

REMARKS/ARGUMENTS

The Office action mailed on February 15, 2006 has been carefully reviewed and the above identified amendments have been provided to thoroughly address each of the objections and rejections provided by the examiner in that Office action. In addition, the following remarks are submitted to clarify and explain the importance of the above amendments and to support a finding by the examiner that the claims, as amended, are now in a form warranting allowance of this case. Accordingly, the undersigned respectfully requests reconsideration by the examiner in this case.

At the outset, applicant notes that the drawings and written description of this application have been approved and matters of form relating to the claims have not been rejected under 35 U.S.C. §112. Rather, the only issue remaining in this case is the extent to which the prior art affects the patentability of the claims as originally presented. With the amendments made to the claims herein and the arguments presented, this final remaining issue has now been addressed.

The examiner did not reject claims 11, 12 and 14. Rather, these claims were only objected to as being dependent upon a rejected base claim. The examiner indicated that claims 11, 12 and 14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 11 to include the requirements of claims 1 and 3 from which it depends. Accordingly, claim 11 should now be in a form warranting allowable status. Claims 12 and 14 depend from amended claim 11 and thus should now also be in a form warranting allowable status.

Claim 13 depends from amended claim 11. Claim 13 had been withdrawn from further consideration (pursuant to 37 C.F.R. §1.142(b)) as being drawn to a non-elected species, there being no allowable generic or linking claim. Applicant respectfully submits that with the allowability of claim 11 from which claim 13 depends, that claim 11 does qualify as an allowable generic or linking claim, such that claim 13 should now also

be in a form warranting allowable status.

The examiner had rejected claims 1-8, 15-19, 22-24, 32, 33 and 37 under 35 U.S.C. §102(b) as being anticipated by Demmon et al. (U.S. Patent No. 133,423). Applicant has carefully studied the teachings of Demmon and compared them to the details of the invention of this application as claimed. Based on this careful review, applicant differs with the examiner's characterization of Demmon, et al. The examiner states that "Demmon et al. shows a vise jaw with work stop." The examiner then correlates the features of Demmon with such a vise jaw and work stop by stating "in Demmon et al. A is a vise jaw and B is a stop." In fact, Demmon describes A as referring to an "arm or head" and B is described as "a series of interchangeable jaws." These arms A are not described as holding a work piece, as do the jaws required by the claims of this application. Rather, the arms A hold the jaws B and the jaws B hold the work piece. Furthermore, these jaws B do not function as work stops in the context of this application.

Note from top views of Demmon in figures 2 and 3 that the jaws B have a width greater than the arms A. Thus, they are not capable of providing a lateral work stop function. However, to facilitate resolution of this case, and also acknowledging that some features of Demmon are subject to varying interpretations, some of which do share some similarities with the requirements of the claims of this application, the claims of this application have been amended to more clearly require clear differences with the teachings of Demmon.

Furthermore, applicant differs with the examiner as to the extent to which Demmon teaches a "slot intersecting with said face." Demmon does teach a "vertical socket b" (first column, line 27). However, this vertical socket b taught by Demmon does not intersect with the face. In fact, the face of claim 1 is specifically described as extending between a top and a bottom with the face adapted to engage a work piece. Only the jaws B taught by Demmon are adapted to engage a work piece. Nevertheless,

applicant has chosen to amend claim 1 to provide even greater distinction between the requirements of claim 1 and the teachings of Demmon.

Specifically, claim 1 has been amended to include the requirements of claim 3. Claim 3 had also been considered by the examiner to be anticipated by Demmon. However, claim 3 requires that the slot be "configured as a groove having a substantially constant cross-sectional form." Applicant notes that the examiner did not explain in the most recent Office action which portion of Demmon was considered to teach the slot "configured as a groove having a substantially constant cross-sectional form." Rather, the examiner merely states that "the vise jaw has a slot a, b in the top and face of the jaw."

Even if the vertical socket b is considered to generally be some form of slot, it does not have a "constant cross-sectional form." Rather, a careful study of the figures of Demmon shows that this vertical socket b tapers in both lateral directions as it extends upward. Figures 1, 4 and 5 are side views of the vertical socket b (or by inference to the shanks or stems c which are shaped to fit within the socket b, the shape of the socket b can be readily inferred). In figures 4 and 5 these shanks or stems c are clearly shown to be tapered on a front side and vertical on a rear side. Thus, these shanks or stems c, and thus the corresponding vertical socket b have a tapering form.

As shown in figure 7, this shank or stem c also tapers in a direction perpendicular to the direction shown in figures 1, 4 and 5. Thus, no matter how cross-sections are taken for the vertical socket b, these cross-sections would not be substantially constant. Rather, they taper whether the cross-sections are taken in a plane parallel with the face or in a vertical plane perpendicular with the face. Also, if the socket b is viewed in section in a horizontal plane these cross-sections would not be constant.

Demmon also teaches a square recess a at an uppermost portion of the vertical socket b. This square recess has a width that spans an entire width of the arm or head A of the Demmon vise. Thus, this square recess a cannot be considered to be any form of

slot, even if it does tend to have some form of constant cross-sectional form.

Having a concise understanding of the meaning of the term "slot" is instructive. The *American Heritage Dictionary of the English Language, Third Edition*, describes the term "slot" as "1. a narrow opening; a groove or slit."

Applicant further notes that the disclosure of this application only shows slots which are bounded by sides and so the written description and drawings do not provide a basis for a definition of the term "slot" which is broader than the dictionary definition for the term "slot." As such, the "square recess a" taught by Demmon which does not have any sides bounding it, cannot be fairly considered to be a slot.

While applicant further does not believe that the vertical socket b teaches a slot, especially in that it does not "intersect with said face" as required by claim 1, even if the vertical socket b were considered to be some form of slot, its failure to have a substantially constant cross-sectional form distinguishes claim 1, as amended, from the teachings of Demmon. Accordingly, applicant respectfully submits that claim 1, as amended, is not anticipated by Demmon, and warrants allowable status.

Claim 2 depends from amended claim 1 and thus benefits from the amendments made to claim 1 and should warrant allowable status. Claim 3 has been canceled in that its limitations have been added to claim 1.

Claim 4 has been amended to depend from claim 1 in that it had previously depended from claim 3, which has now been canceled. Applicant notes that claim 4 not only benefits from the amendments made to claim 1 and the remarks provided above, but that claim 4 also uniquely requires that the groove "extends in a direction perpendicular to said face."

Applicant notes that neither the vertical socket b taught by Demmon nor the square recess a taught by Demmon can in any way be considered to extend "in a direction perpendicular to said face." Rather, the square recess a cannot be considered to extend in any direction, and to the extent that perhaps it does have any direction of

extension it is extending lateral to the face either horizontally or vertically. Similarly, the vertical socket b is described in its own wording as being vertical, and is shown in the drawings as extending vertically. Thus, this vertical socket b cannot be considered to extend "in a direction perpendicular to said face," as required by amended claim 4. Accordingly, applicant respectfully submits that claim 4 is in a form warranting allowable status.

Claim 5 has been amended to depend from amended claim 1. Accordingly, claim 5 benefits from the amendments made to claim 1 described in detail above. Claim 5 should thus now be in a form warranting allowable status. Claims 6 and 7 depend in series from amended claim 5 and should thus also be in a form warranting allowable status.

Claim 8 has been amended to depend directly from amended claim 1. Accordingly, claim 8 benefits from the amendments made to claim 1 and should also be in a form warranting allowable status. Claims 9 and 10 had been withdrawn from further consideration as being drawn to a non-elected species. Applicant respectfully submits that with the potential allowability of amended claim 1, and the amendment of claim 8 to depend from claim 1, that claims 9 and 10 which depend from claim 8 now depend from an allowable generic or linking claim (both claims 1 and 8), such that claims 9 and 10 should now also be in a form warranting allowable status.

Claims 15-19 depend from amended claim 1 and thus benefit from the amendments made to claim 1 and should now be in a form warranting allowable status.

Claims 20 and 21 have been withdrawn from further consideration as being drawn to a non-elected species. Each of these claims depend from amended claim 1. Thus, with the allowability of claim 1, claims 20 and 21 should now be considered allowable as dependent from an allowable generic or linking claim (claim 1).

Independent claim 22 had been rejected under §102(b) as being anticipated by Demmon. Applicant has amended claim 22 to include the requirements of claim 23. Claim 23 had included the requirement that the slot be in the form of a groove in the top

of the vise jaw, the groove exhibiting a substantially constant cross-sectional size and shape as said groove extends away from the face. Rather than belabor the record, applicant merely states that for the reasons specified above with respect to amended claim 1, that amended claim 22 now includes limitations which are not anticipated by Demmon, such that amended claim 22 should now be in a form warranting allowable status.

Claim 23 has been canceled in that its limitations have been added to claim 22.

Claim 24 has been amended to depend directly from amended claim 22. Accordingly, claim 24 benefits from the amendments made to claim 22. Furthermore, claim 24 requires that a centerline of the groove be oriented perpendicular to the face. This limitation is akin to that discussed above with respect to claim 4. Thus, for the reasons specified above with respect to claims 1 and 4, applicant respectfully submits that claim 24 should also be in a form warranting allowable status.

Claims 25-31 depend from amended claim 22. Claims 25-31 had been withdrawn from further consideration as being drawn to a non-elected species without an allowable generic or linking claim. With the allowability of amended claim 22, applicant respectfully submits that claims 25-31 should now be in a form warranting allowable status.

Claims 32 and 33 depend from amended claim 22, and thus benefit from the amendments made to claim 22. Accordingly, claims 32 and 33 should now be in a form warranting allowable status. Claims 34-36 had been withdrawn from further consideration as being drawn to a non-elected species without any allowable generic or linking claim. Applicant respectfully submits that both amended claim 22 and claims 32 and 33 qualify as such allowable generic or linking claims, such that claims 34-36 should now be in a form warranting allowable status.

Independent claim 37 had been rejected under §102(b) as being anticipated by Demmon. Applicant has amended claim 37 to require that the slot have a centerline

oriented substantially perpendicular to a plane in which the face is oriented. This limitation added to amended claim 37 is akin to the requirements of claims 4 and 24 discussed in detail above. Rather than belabor the record, applicant merely states that for the reasons specified above with respect to claims 4 and 24, that claim 37, as amended, is not anticipated by the teachings of Demmon. Accordingly, applicant respectfully submits that claim 37 as amended should now be in a form warranting allowable status.

Claims 38-43 depend from amended claim 37 and thus benefit from the amendments made to claim 37. Claims 38-43 had been withdrawn from further consideration as being drawn to a non-elected species without any allowable, generic or linking claim. Applicant respectfully submits that with the allowability of amended claim 37, that dependent claims 38-43 now have an allowable generic or linking claim (claim 37) and should thus now be in a form warranting allowable status.

In view of the foregoing, it is respectfully requested that the examiner pass this case to issue. If, upon consideration, the examiner believes further issues remain outstanding or new ones have been generated, the undersigned requests that the examiner call the undersigned to set up a personal or telephone interview with the undersigned to resolve any such remaining issues.

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Date